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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,682	09/12/2003	Jeff P. Whetman	2003P03157US	7359
7590	06/11/2008		EXAMINER	
Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			DANNEMAN, PAUL	
			ART UNIT	PAPER NUMBER
			3627	
			MAIL DATE	DELIVERY MODE
			06/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,682	WHETMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PAUL DANNEMAN	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 April 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 4-7, 9-15, 18-24, 34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |



## DETAILED ACTION

### Response to Amendment

1. This action is in reply to Applicant's response, filed 14 April 2008 to the first office action.
2. Claims 1-24 are pending.
3. Claims 3, 8, 16 and 17 have been canceled.
4. Claims 1, 4-10, 12, 13, 18, and 20 have been amended.

### *Election/Restrictions*

5. Applicant's election without traverse of Claims 1-24 during telephone conversation with John Musone, Applicant's Attorney on 11 January 2008 is acknowledged.
6. Claims 25-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### Response to the Arguments

7. With regard to the 35 U.S.C. 103(a) rejection of Claims 1-22 and 24, applicant argues "***In fact, there is no coupling of the purchase order system to the tool inventory system in Tracker, but rather, the purchase order.***" Tracker on page 14, paragraph [2] discloses that Tracker's PO tracking system also adds to stock. Therefore, Examiner "adding to stock" is a clear indicator that the Tracker's PO tracking system is coupled to the tool inventory, therefore Examiner maintains that the **Claims 1-22, 24 and 23 (dependent on Claim 13) are properly rejected and remain rejected.**

### *Claim Rejections - 35 USC § 103*

8. **Claims 1-2, 4-7, 9-15, 18-22 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracker.
9. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are

representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1-2, 4-7, 9-15, 18-22, and 24:**

With regard to the limitations:

- ***Tool Inventory Database accessible over a network.***
- ***Quantity, Location and Condition of tools and to whom they are assigned contained within the database.***
- ***Electronic tool ordering / requesting.***
- ***Creating a shipping document for the requested tool.***
- ***Billing for tools that are loaned out.***
- ***Ordering a requested tool when it is not available in the database.***
- ***Updating database to indicate the order status and availability of a tool.***

Tracker in at least page 1, paragraph [1] discloses a construction tool, inventory, and equipment tracking software package and equates the package to being similar to a computer system in a public library. Tracker in at least page 12-13, paragraph [all] discloses tracking the tool assignee and location, and in at least page 6, paragraph [3-4] when the tool was checked-out and when the tool was returned to the tool repository. Tracker in at least page 23, paragraph [3] further discloses the software package installed on a network with multi-user capability. Tracker still further discloses optional Tracker modules for specialized needs like billing for tool sales and rentals (in at least page 17, paragraph [2], and page 18-20, paragraph [all]), preventive maintenance and repair cost tracking (in at least page 21-23, paragraph [all]), small tool and consumables tracking and shipment (in at least page 14, paragraph [2], and page 15, paragraph [all]). Tracker in at least page 6, paragraph [2] still further discloses a shipping tag or document for tools being shipped to a job or storage site. Therefore it would be obvious, at the time of the

invention, to one of ordinary skill to conclude that Tracker's features are functionally equivalent to applicant's regarding the numerous uses of a Tool Inventory Database.

Tracker does not specifically disclose the limitation where a request for a tool, not available in the database generates a vendor order for the requested tool per se. However, Tracker in at least page 8, paragraph [1] discloses the use of a pick ticket used to process tool orders. Backorders are printed for pick tickets with unfilled items when the order is processed. Tracker in at least page 15, paragraphs [2-4] discloses a tool purchase order system coupled to the tool inventory and in paragraph [7] further discloses a purchase order tracking feature and discloses that the purchase order is more like an "Add to stock" function. Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to conclude that Tracker's backorder which is triggered from an unfilled pick ticket and the purchase order system are equivalent to the Applicant's limitations.

10. **Claim 23** rejected under 35 U.S.C. 103(a) as being unpatentable over Tracker as applied to **claim 13** above, and further in view of Brockwell et al., henceforth known as Brockwell.

**Claim 23:**

With regard to the limitations:

- ***Bill of lading for tool shipments containing data of a Schedule B.***
- ***Export Classification Number.***
- ***Harmonized Tariff Schedule.***

Tracker does not specifically disclose a bill of lading. However, Tracker in at least page 6, paragraph [2] discloses a shipping tag or document for tools being shipped to a job or storage site. Brockwell in at least Column 4, lines 25-31, Fig.4 and Fig.11, discloses a packaging system for handling the shipment of packages domestically and internationally. Brockwell in at least Column 5, lines 10-17, Fig.2b and Column 6, lines 4-18 discloses the use of classification codes such as the Harmonized Tariff Classification Code. Therefore, it would be obvious, at the time of

the invention to modify Tracker's shipment document with the international shipment features of Brockwell to allow parts to be shipped in a timely and efficient manner wherever the job site is located.

11. **Claim 34** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tracker and further in view of Denzler.

With regard to the limitations:

- **Prioritizing of a tool order.**

Tracker does not specifically disclose prioritizing tool orders based on the criticality of the task, however Tracker on page 1, paragraph [1] discloses in the Overview that Tracker can be tailored to a company needs and features which are not currently offered can be provided per the customer's requirements. Denzler in his eBook on page 293 under the section **Scheduling Tool and Techniques** discloses the difficulties that organizations face when scheduling work and the resources associated with accomplishing that work product. Denzler discloses a First Come First Serve dispatching rule to more complex priority based rules and recommends that scheduling priorities should be based on what the strategic planning process decided when it set performance metrics for the system. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Tracker's Tool Inventory System with priority features disclosed by Denzler based on the requirements of a particular customer in order to better serve a customer's strategic mission.

### Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3627

4 June 2008